

**REMARKS**

Reconsideration of the present application as amended herein, and in view of the remarks provided below, is respectfully requested.

**Status of the Claims**

Claims 1-18 stand rejected under 35 USC 102(e) as being anticipated by Welch et al. (US 6,286,145). The Examiner's rejections are respectfully traversed.

Claims 1-19 are currently pending in the captioned application, claims 1, 6, 7, 8, 12, 13, 14 and 15 having been amended and new claim 19 having been added. New claim 19 corresponds to previously presented claim 1.

**Rejection of the Claims Under 35 USC 102**

Claims 1-18 stand rejected under 35 USC 102(e) as being anticipated by Welch et al. (US 6,286,145).

New claim 19 corresponds to previously presented claim 1.

Claim 19 recites that the claimed invention relates to an *absorbent article* comprising "an *absorbent* core and a breathable film backsheet, wherein the backsheet has a MVTR of from about 5800 to about 10000 g/m<sup>2</sup>/24 hrs. and a basis weight of less than about 32 g/m<sup>2</sup>." (Emphasis Added). It is respectfully submitted that a close review of the Welch reference reveals that it fails to disclose such a structure.

Welch purports to disclose a breathable composite barrier fabric made from a low-strength non-woven web 12, a high-strength nonwoven web 14 and a barrier layer 16 positioned between the low-strength non-woven web 12 and the high-strength non-woven web 14. (Col. 8, ll. 62-67). It is respectfully submitted that Welch fails to disclose an *absorbent article and/or an absorbent core as claimed*. In the Office Action the Examiner contends that the "nonwoven web 12 ... is capable of absorbing liquid, and may therefore function as an absorbent core." (Office Action, p. 4). It is respectfully submitted that nothing in the disclosure of Welch discloses nor suggests that the nonwoven web 12 is inherently capable of functioning as an *absorbent* core. Moreover, considering that the Welch reference generally relates to a breathable composite barrier fabric *for use in protective garments*, it is respectfully submitted that Welch fails to

even suggest the desirability of having the nonwoven web 12 function as a absorbent core in the manner claimed. Certainly, it seems unlikely that one would a "breathable composite barrier" for use in a protective garment that is intended to absorb fluids.

In view of the above it is respectfully submitted that Welchel fails to disclose, or even suggest, the claimed invention.

Independent claims 1 and 12 have been amended herein to recite that the claimed invention includes, in part, a *garment-facing* breathable film backsheet. It is noted that the barrier layer 16 of Welchel is sandwiched between nonwoven layers 12 and 14 and thus cannot be considered a *garment-facing* breathable film backsheet as claimed.

In view of the above it is submitted that claims 1 and 12 are allowable over Welchel. The remainder of the claims depend either directly indirectly from claims 1 or 12 and thus are also allowable for the reasons set forth above.

Entry of the amendments to the claims and allowance of all the claims is respectfully requested. If the Examiner has any questions regarding this paper, please contact the undersigned. If there are any fees in connection with the filing of this Amendment, the Commissioner is hereby authorized to charge Deposit Account No. 10-0750/PPC-794/PJH.

Respectfully submitted,

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